UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,419	11/29/2001	Matthew K. Barrow	IDF 1763 (4000-06600)	5992

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/998,419	BARROW, MATTHEW K.
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/29/2001*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 18 April, 2005.

Response to Amendment

1.   This action is responsive to the application filed on April 18th, 2005. Claims 1-8, and 10-18 were amended. There are no newly added claims. Claims 1-18 are currently pending. Claims 1-18 represent a method and apparatus for an "Integrated Services Hub Reboot Process."

Response to Arguments

2.   Applicant's arguments with respect to claims 1, and 10 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method for an Integrated Services Hub Reboot Process) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Information Disclosure Statement

3.   The references listed on the Information Disclosure Statement submitted on 11/29/2001 have been considered by the examiner (see attached PTO-1449A).

Drawings

4.   New corrected drawings requested in the first office action have been submitted

and are on record.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reichmeyer (U.S. Patent No. 6,286,038 B1) in view of Synnestvedt et al (U.S. Patent

No. 6,598,057).

Regarding claim 1: Reichmeyer discloses the invention substantially as

claimed. Reichmeyer teaches a method for initializing a customer premises

telecommunications hub having a link to a central office (*fig. 3*) comprising:

obtaining a configuration file name and a domain name (*column 6, lines 31-42;

column 9, lines 15-33*) of a TFTP file server (*column 2, lines 52-58; column 3, lines 41-

54*) from a DHCP server in a central office (*fig. 1, items 10-16; fig. 3, item 26; column 4,

lines 4-30*),

Reichmeyer further teaches obtaining a configuration file, including a first control

software file name, from the TFTP file server (*column 3, lines 41-54*), and a model ID

identifying the model of the Hub (*column 8, lines 18-32*).

However Reichmeyer does not expressly disclose creating a second control software file name by combining a model ID identifying the model of the hub with at least part of the first control software file name.

In the same field of endeavor, Synnestvedt et al teach " *configuration files used to define the equipment's operating mode such as its class and type of service, and ... creating additional message log file and a parser that performs the matching and comparing of file names..*" [see Synnestvedt; *column 5, lines 10-67*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Synnestvedt et al's teachings of a second control software file name with the teachings of Reichmeyer, for the purpose of improving the ability of a network "*...to propagate configuration information from the configuration server to the network device...*" as stated by Reichmeyer in lines 41-43 of column 1.

Regarding claim 2: The combination Reichmeyer – Synnestvedt discloses a method according to Claim 1, wherein:

said first control software file name includes a prefix identifying a model number [*see Reichmeyer; column 8, lines 18-32*], and said step of creating a second control software file name comprises replacing the prefix of said first control software file name with a prefix comprising the model number of said hub [*see Synnestvedt; column 5, lines 36-67; column 1, lines 41-45*]. By this rationale **claim 2** is rejected.

Regarding claim 3: The combination Reichmeyer – Synnestvedt discloses a method according to Claim 1, further comprising:

obtaining a control software file [*see Reichmeyer; column 8, lines 8-17*], having the

second control software file name from the TFTP file server [*see Synnestvedt; column*

5, lines 36-48; note that the file name is parsed here]. By this rationale **claim 3** is

rejected.

Regarding claim 4: The combination Reichmeyer – Synnestvedt discloses a

method according to claim 3, further comprising:

comparing the name of said control software file to said second control software file

name [*see Synnestvedt; column 5, lines 36-48*]. By this rationale **claim 4** is rejected.

Regarding claim 5: The combination Reichmeyer – Synnestvedt discloses a

method according to claim 4, further comprising:

loading said control software file into a first flash memory partition in said hub and

designating said first partition as the active partition [*see Reichmeyer; column 3, lines*

16-29]. By this rationale **claim 5** is rejected.

Regarding claim 6: The combination Reichmeyer – Synnestvedt discloses a

method according to Claim 5 further comprising:

rebooting said hub with said control software file in said first flash memory partition [*see*

Reichmeyer; column 5, lines 17-26; column 11, lines 22-28]. By this rationale **claim 6** is

rejected.

Regarding claim 7: The combination Reichmeyer – Synnestvedt discloses a

method according to Claim 6 wherein:

said control software file is stored in compressed form [*see* Synnestvedt; *column*

2, lines 28-33] in said first flash memory partition, and on rebooting, said file is

expanded and loaded into RAM for operating said hub [*see Reichmeyer; column 3,*

lines 16-29; column 11, lines 38-41; note that the main memory is the RAM and the

static memory is the ROM]. By this rationale **claim 7** is rejected.

Regarding claim 8: The combination Reichmeyer – Synnestvedt discloses a

method according to Claim 1, further comprising:

checking said first control software file name for the presence of a suffix identifying it

as a control software file name, and, if such suffix is not present, adding a suffix

identifying

said first control software file name as a control software file name [*see Synnestvedt;*

column 18, lines 57-67]. By this rationale **claim 8** is rejected.

Regarding claim 9: The combination Reichmeyer – Synnestvedt discloses a

method according to Claim 1, further comprising:

obtaining an IP address of a domain name server from said DHCP server

in said central office [*see Reichmeyer; column 7, lines 59-65*], and

obtaining an IP address of said TFTP server from said domain name

Server [*see Synnestvedt; column 6, lines 20-24*]. By this rationale **claim 9** is rejected.

Regarding claim 10: The combination Reichmeyer – Synnestvedt discloses a

method for providing control software code to a customer premises

telecommunications hub having a link to a central office comprising:

upon rebooting of the hub, sending a DHCP request to a central office

DHCP server [*see Reichmeyer; column 11, lines 22-28; column 7, lines 65-67*],

sending a configuration file name and a domain name of a TFTP server

from the central office DHCP server to the hub [see Reichmeyer; column 6, *lines 31-42;*

column 9, lines 15-33; column 2, lines 52-58],

sending a request for the configuration file from the hub to the TFTP

Server [*see* Reichmeyer; *column 4, lines 9-30; column 3, lines 41-54*],

sending the configuration file, including a first control software file

name, from the TFTP server to the hub [*see* Reichmeyer; *column 3, lines 41-54; column

8, lines 18-32*], and

creating a second control software file name by combining a model ID [*see*

Reichmeyer; *column 8, lines 18-32*] identifying the model of the hub with at least pad of

the first control software file name [see Synnestvedt; *column 5, lines 10-67*]. By this

rationale **claim 10** is rejected.

Regarding claim 11: The combination Reichmeyer – Synnestvedt discloses the

method of Claim 10 wherein:

said first control software file name includes a prefix identifying a model number,

and said step of creating a second control software file name comprises replacing the

prefix of said first control software file name with a prefix comprising the model number

of

said hub [*see Synnestvedt; column 5, lines 36-67; column 1, lines 41-45*]. By this

rationale **claim 11** is rejected.

Regarding claim 12: The combination Reichmeyer – Synnestvedt discloses the

method of Claim 10, further comprising:

sending a request for the control software file having said second control

software file name

from the hub to a configuration file server, and sending the control software file having

said second control software file name from the configuration file server to the hub [*see*

Reichmeyer; *column 3, lines 41-54*]. By this rationale **claim 12** is rejected.

Regarding claim 13: The combination Reichmeyer – Synnestvedt discloses the

method of Claim 12 further comprising:

comparing the name of said control software file to said second control software

file name [*see Synnestvedt; column 5, lines 36-48*]. By this rationale **claim 13** is

rejected.

Regarding claim 14: The combination Reichmeyer – Synnestvedt discloses the

method according to claim 13, further comprising:

loading said control software file into a first flash memory partition in said hub

and

designating said first partition as the active partition [*see Reichmeyer; column 3, lines

16-29*]. By this rationale **claim 14** is rejected.

Regarding claim 15: The combination Reichmeyer – Synnestvedt discloses the

method according to claim 14, further comprising:

rebooting said hub with said control software file in said first flash memory

partition [*see Reichmeyer; column 5, lines 17-26; column 11, lines 22-28*]. By this

rationale **claim 15** is rejected.

Regarding claim 16: The combination Reichmeyer – Synnestvedt discloses the

method according to Claim 15 wherein:

said control software file is stored in compressed form in said first flash memory

partition, and on rebooting, said file is expanded and loaded into RAM for

operating said hub [*see Reichmeyer; column 3, lines 16-29; column 11, lines 38-41*]. By

this rationale **claim 16** is rejected.

Regarding claim 17: The combination Reichmeyer – Synnestvedt discloses the

method according to Claim 16, further comprising:

checking said first control software file name for the presence of a suffix

identifying it

as a control software file name, and, if such suffix is not present, adding a suffix

identifying

said first control software file name as a control software file name [*see Synnestvedt;*

column 18, lines 57-67]. By this rationale **claim 17** is rejected.

Regarding claim 18: The combination Reichmeyer – Synnestvedt discloses the

method according to Claim 1, further comprising:

obtaining an IP address of a domain name server from said DHCP server

in said central office [*see Reichmeyer; column 7, lines 59-65*], and

obtaining an IP address of said TFTP server from said domain name server [*see*

Synnestvedt; *column 6, lines 20-24*]. By this rationale **claim 18** is rejected.

Response to Arguments

7.   Applicant's Request for Reconsideration filed on April 18th, 2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

     A. Applicant contends that the Reichmeyer patent does not mention a telecommunications hub or a central office.

     B. Applicant contends that the Reichmeyer patent does not teach a control software or a control software file name.

     C. Applicant contends that the Reichmeyer patent does not teach obtaining a configuration file name form a DHTP server.

     D. Applicant contends that the Reichmeyer patent and the Synnestvedt patent cannot be combined to teach the invention, and that claims 1 and 10 are patentable over the prior art of reference.

8.   As to "Point A" it is the position of the Examiner that Reichmeyer in combination with Synnestvedt teach the limitations of the above mentioned claims. However, although Reichmeyer does not use the terminology hub or central office in its drawings, it is obvious that any location or building that houses a forwarding device, such as a router, can be referred to as a hub. Furthermore, Reichmeyer in lines 1-16 of column 12 discloses an alternative embodiment of the prior art invention the can be implemented using a central office to interconnect subscribers.

As to "Point B", it is also the Examiner's position that at Col. 3, lines 30-54, that

Reichmeyer teaches a configuration file transfer program. It would have been obvious

for an artisan in the art to use the file transfer program as a control program to control

the processor 50. Note that **Golla et al. (Patent no 6,587,874)** teaches in the same

field of endeavor, a control software for the purpose of auto-installing and auto-

congifiguring network devices.

As to point C, see Reichmeyer, lines 52-58 of column 2, and lines 15-33 of

column 9.

As to point D, see reason to combine in Reichmeyer, lines 41-43 of column 1.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

August 06, 2005

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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